

## **REMARKS**

### **A. Status of the Claims**

Claims 24-34 are pending in the application. The present Action withdrew claims 26-28 and 31-34 from consideration and examined claims 24, 29, and 30 (*i.e.*, the Group I invention). However, Applicant elected the Group II invention (*i.e.*, claims 33-34), with traverse, in the response to the restriction requirement filed on June 11, 2007. Applicant, therefore, requests examination of the elected claims.

Applicant also reiterates its traversal of the restriction requirement. The Action still fails to meet its burden of establishing that the groups do not relate to a single inventive concept under PCT Rule 13.1. Current claim 24 is directed to an isolated N- and C-terminally double truncated tau molecule further defined as a type IA tau molecule, type IB tau molecule, type IIA tau molecule, or type IIB tau molecule. Furthermore, claim 33 specifically refers to claim 24 in reciting “A transgenic animal expressing a molecule of claim 24.” In the initial Restriction Requirement mailed on April 11, 2007, the Action merely asserted that the truncated tau molecules recited in the claims were known in the prior art, but did not identify any specific reference providing such a teaching.

In the present Action, the Examiner cites Ghetti as allegedly disclosing an isolated N- and C-terminally double truncated tau molecule. However, as discussed in more detail below, Ghetti does not disclose such a molecule. Accordingly, the isolated N- and C-terminally double truncated tau molecule provides a special technical feature that defines a contribution over the prior art, and the restriction between Groups I and II should be withdrawn.

## B. The Ghetti *et al.* Publication

The Action rejected claims 24 and 29-30 under 35 U.S.C. § 102(b) as anticipated by Ghetti *et al.* (WO 99/62548). Although the Action examined claims that were not elected by the Applicant, Applicant would like to address some factual inaccuracies in this rejection.

Ghetti discloses the amino acid sequence of human tau protein as mentioned in the article Goedert et al., 1988, as SEQ ID No: 7 (p.10, last paragraph), which has a *full length* of 351 amino acids. Claim 24, however, recites an “isolated N- and C-terminally double truncated tau molecule.” The Action fails to establish that Ghetti discloses a double truncated tau molecule as recited in the current claims. This is further evident from the sequence alignment provided with the Action in which SEQ ID NO:15 in the present specification aligns with the Ghetti sequence only in the range from amino acid 93 to 302. This is the same alignment as identified in the table on page 50 of the present application. It is further noted that Ghetti is concerned with mutations in the tau gene that affect phosphorylation. The truncated sequences disclosed in the present application, such as SEQ ID NO: 15, are not mutated.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. For the reasons above, the Action fails to show that Ghetti teaches a N- and C-terminally double truncated tau molecule as recited in the claims.

### C. Conclusion

Applicant requests examination of the claims elected in the response to the restriction requirement filed on June 11, 2007. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicant's representative at (512) 536-5654.

Respectfully submitted,



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